IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.2208 OF 2004

M/s.Rahul Organic Limited Plaintiff

versus

Vilas Ganpat Vani Defendant

Ms.Malika Ingale for plaintiff

None for defendant

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th June 2005

PC :

1. It appears that the suit was lodged and some objections were not removed. The Prothonotary and Senior Master made a conditional order which has been duly complied with and after which the suit has been numbered. The suit was ordered on 17th August 2004 and thereafter the writ of summons was served on the defendant. The defendant carries on business at Indore and packet containing writ of summons was duly received in the appropriate post office at Indore. The acknowledgement of the defendant together with stamp is dated 23rd December 2004.

This acknowledgement is placed on affidavit. The affidavit is affirmed by a bailiff in the office of Sheriff of Mumbai on 18th February 2005 and marked "X" for identification. The same is taken on record.

2. The claim in the summary suit arises out of a transaction whereunder the plaintiff company has sold to the defendant goods which are covered by invoices at Exhibit-A. There is no defence to the claim inasmuch as the goods have duly been accepted. There is no objection to the quality or quantity thereof. In consideration of the goods having been accepted the defendant forwarded his cheque for the invoice amount which on presentation has been duly dishonoured. Thus, the suit is maintainable as a summary suit. There is no defence to the claim. Original documents along with list taken on record and marked "X-1" for identification. Decree as prayed. Further interest shall be @ 12% p.a. on Rs.1,08,228/-. Drawing up of decree is expedited. Refund of court fee and computation of advocates' costs as per rules.

(S.C.DHARMADHIKARI, J.)